

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Shannon Rene Gutierrez

Docket No. 7:09-MJ-1247-1

Petition for Action on Probation

COMES NOW Djoni B. Barrett, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Shannon Rene Gutierrez, who, upon an earlier plea of guilty to Level II Driving While Impaired, in violation of NCGS 20-138.1, assimilated by 18 U.S.C. §13, was sentenced by the Honorable Robert B. Jones, Jr., U.S. Magistrate Judge, on September 22, 2010, to a 24 month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
3. The defendant shall participate in a program of mental health treatment, as directed by the probation office.
4. The defendant shall undergo placement in a residential reentry center for a period of 7 days as arranged by the probation office and shall abide by the conditions of that program during said placement.
5. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
6. The defendant shall not operate a motor vehicle on the highways of the State of North Carolina until her privilege to do so is restored in accordance with law.
7. The defendant shall not go on or enter Camp Lejeune or New River Military Reservations during the probationary term.
8. The defendant shall not possess a firearm or destructive device.
9. The defendant shall pay a special assessment of \$25 and a fine of \$500.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Since the onset of supervision, the defendant has actively participated in substance abuse treatment at Palm Wellness Center of Jacksonville and is seeing Dr. Akintoya at Coastal Carolina Neuropsychiatric Center (CCNC) for ongoing mental health treatment. The defendant has been participating in the Surprise Urinalysis Program (SUP) and to date, all surprise urine screens have proven negative for illegal substances.

The defendant is currently residing with her mother and father in Jacksonville, North Carolina. Her father has significant physical health issues due to suffering a gunshot wound to the head when he served as a SWAT officer in the line of duty. As a result of this injury, the defendant's father is incapacitated on many levels and requires constant care and supervision. The defendant's mother has been diagnosed with COPD and has experienced significant health problems of her own over the past few months.

The defendant advised that her residence is chaotic and that she and her mother routinely argue. The arguments escalated on May 30, 2011, and her parents ordered her out of the home. The defendant returned the following day. On July 17, 2011, the defendant left her parents' home again after getting into an argument with her mother. She is temporarily residing in a local motel. The defendant is unemployed and recently enrolled at the local community college. She has requested placement in a residential reentry center to help her get her life stabilized.

The defendant signed a Waiver of Hearing agreeing to the proposed modification.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

The defendant shall undergo placement in a residential reentry center for a period of 180 days as arranged by the probation office and shall abide by the conditions of that program during said placement.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/ Kevin L. Connolley
Kevin L. Connolley
Supervising U.S. Probation Officer

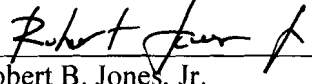
I declare under penalty of perjury that the foregoing is true and correct.

/s/ Djonni B. Barrett
Djonni B. Barrett
U.S. Probation Officer
472-C Western Blvd.
Jacksonville, NC 28546-6862
Phone: (910) 347-9038
Executed On: July 27, 2011

ORDER OF COURT

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Considered and ordered this 28 day of July, 2011, and ordered filed and made a part of the records in the above case.



Robert B. Jones, Jr.
U.S. Magistrate Judge